

We recommend that there be included in the guiding policies in section 901(a) the following:

The head of a Federal agency should so far as practical endeavor to so administer this Title that persons whose land is acquired shall not be worse off economically than they were before the land is acquired.

We also recommend for the consideration of the committee that at the end of line 2, page 50, the words "and shall be provided a copy of the appraiser's report" be added.

In view of the tremendous disparity of bargaining power between the Federal Government and a small landowner, it does not appear to us that the Federal Government should deal with its citizens "at arms length" but should make such information available to citizens as may assist them to reach a sound conclusion concerning the alternatives available to them.

It would appear that this would help, that is, providing the owner a copy of the report, to accomplish the objectives of title IX to further "amicable agreements with owners, to relieve congestion in the courts, to assure consistent treatment for owners in the many Federal agencies, and to promote public confidence in Federal land acquisition practices . . ."

As indicated in our above quoted policy statement, we favor the establishment of an independent review board to give consideration to the amount of compensation to be awarded a landowner.

No matter how carefully a statute or regulations to implement a statute are drawn, it is not possible to eliminate a substantial measure of personal judgment in application of such statute or regulations. It would appear that such determinations may be made most objectively by an independent body not identified with the specific project. We believe that the creation of an independent review board would result in a substantial contribution to accomplishing the objectives of the Title that is to encourage the acquisition of real property by amical agreement with owners, (2) to assure consistent treatment, and (3) to promote public confidence in Federal land acquisition practices.

We appreciate the fact that the committee is giving such careful consideration to this important issue and thank the committee for the opportunity to present our views.

Senator MUSKIE. Thank you very much, Mr. Triggs, for your thoughtful and helpful statement. It contains no suggestions for the compensation of the displaced farmer in section 802(d). At least I do not recall that you did.

Mr. TRIGGS. We did in the fourth paragraph on page 2, 802(d). We understand that a farmer who discontinues a farm operation as a result of the taking, is eligible for a relocation payment under section 802(d).

Senator MUSKIE. And you think that section 802(d) is adequate?

Mr. TRIGGS. Well, let me say it would be a vast improvement. There would still be cases where, for reasons peculiar to the economic situation of a particular farmer, that he still would be worse off as a result of the payment than before the land was taken, and, therefore, we would hope that the concept that the landowner should not be worse off than before the taking would be incorporated in the language of the bill; recognizing that it will not correct every situation either, but that it will give a statutory guidance to the President in developing the regulations under section 802(a) and to otherwise guide agencies in the administration of the act.